



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

November 20, 2007

Daniel Grabauskas, General Manager  
Massachusetts Bay Transportation Authority  
10 Park Plaza, Suite 3910  
Boston, MA 02116

Re: Clean Air Act Reporting Requirement, Docket No. AAA-08-0011

Dear Mr. Grabauskas:

The United States Environmental Protection Agency ("EPA") is evaluating whether the Massachusetts Bay Transportation Authority ("MBTA") is in compliance with the Clean Air Act ("the Act") and state and federal regulations promulgated under the Act. The regulations include the federally enforceable sections of the Massachusetts State Implementation Plan ("SIP") regulations found at 310 CMR 7.00 et. seq. Specifically, EPA is evaluating whether the MBTA is in compliance with 310 CMR 7.11. The relevant portion of this regulation prohibits the idling of a diesel locomotive for 30 minutes with an exception for engine service (see text of regulation below).

*11.2 Diesel Trains.*

*11.2.1 No person owning or operating a diesel powered locomotive shall cause, suffer, allow, or permit said locomotive to be operated in a manner such as to cause or contribute to a condition of air pollution.*

*11.2.2 No person shall cause, suffer, allow, or permit the unnecessary foreseeable idling of a diesel locomotive for a continuous period of time longer than thirty minutes. This regulation shall not apply to diesel locomotives being serviced provided that idling is essential to the proper repair of said locomotive and that such idling does not cause or contribute to a condition of air pollution.*

Section 114(a)(1) of the Act, 42 U.S.C. 7414(a)(1), authorizes EPA to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine compliance with the Act or any SIP.

Therefore, for the period between January 1, 2007 and January 31, 2008, the MBTA is required to provide the following information about operations at the MBTA commuter rail yard located in South Boston near Widett Circle. The MBTA must submit this information to EPA by February 15, 2008. If possible provide the information in an electronic spreadsheet format.

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

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1. Provide a list of all locomotives, by engine number or other identification system customarily used by the MBTA that have been in the rail yard for more than one hour.
2. Identify all periods when each locomotive identified in response to question #1 was idling for at least 30 minutes (i.e., the locomotive engine was running, but the locomotive was not moving). Within each period:
  - a. identify any period of service for which the idling was essential for the repair of the locomotive and provide a detailed description of the repair;
  - b. identify any period of service for which the idling was not essential for the repair of the locomotive and provide a detailed description of the repair;
  - c. identify any other reason for the idling (e.g. to maintain brake pressure or to reach operating temperature) and provide a detailed description of the reason(s).
3. Provide a copy of any written idling policies that the MBTA has for locomotive operations including guidance documents or training materials for repair personnel and others who operate locomotives at the site.
4. Provide a copy of all repair logs of the locomotive engines.
5. If the locomotive engines are equipped with data loggers that track the operation of the engine, including periods of idling, indicate the specific type of information the data loggers record and provide copies of that data.
6. Describe any devices in the yard that could be used to provide alternative sources of power to the locomotives in the rail yard; for example, the electrical devices known as "plug-ins." Indicate the number of devices that are available for use in the yard and explain how and when they are used.

Be aware that if the MBTA does not provide the requested information, EPA may order the MBTA to comply and may assess monetary penalties under Section 113 of the Act, 42 U.S.C. § 7413. Federal law also establishes criminal penalties for providing false information to EPA. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act.

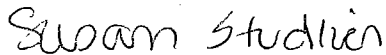
The MBTA may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Note that certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to the MBTA. Please be aware that the Commonwealth of Massachusetts may have different rules and regulations governing the protection of confidential business information.

You are required to submit the above-required information to:

Susan Studlien, Director  
Office of Environmental Stewardship (Mail Code SAA)  
U.S. Environmental Protection Agency, Region I  
One Congress Street, Suite 1100  
Boston, Massachusetts 02114-2023  
Attn: Christine Sansevero, Air Technical Unit

If you have any questions about this reporting requirement, please contact, Christine Sansevero, Environmental Engineer, at (617) 918-1699, or have legal counsel contact Thomas T. Olivier, Senior Enforcement Counsel, at (617) 918-1737, within seven days of receipt of this document.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. EPA Region 1

Cc: Ed Pawlowski, MassDEP, Northeast Region  
Julie Ross, MassDEP, Boston Office  
Janis O. Kearney, MBTA